

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Edith McCurry

Plaintiff,

v.

Case No.: 1:19–cv–04067

Honorable Sharon Johnson Coleman

MARS, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, July 20, 2021:

MINUTE entry before the Honorable Gabriel A. Fuentes: Plaintiff's renewed motion to compel and for sanctions (doc. #[142]) is denied. Plaintiff's motion to compel is an outgrowth of a motion she filed on 6/7/21, three days after the Court-imposed deadline for motions to compel discovery, but the Court is granting her leave to file that motion and her renewed motion to compel. The earlier motion(s) to compel filed in June 2021 were denied without prejudice, but the instant renewed motion to compel (doc. #[142]) is denied with prejudice. Plaintiff has not set forth any reason why defendant's certificate of compliance (doc. #[148]–1) as to the completeness of its document production, thus including the representation that defendants conducted a reasonable search for additional responsive documents (including the "policy" document that plaintiff believes is being withheld and seeks to compel) and have no additional documents to produce. Plaintiff's various arguments that the certificate of compliance is unsupported or conclusory, that the declarant has no personal knowledge, that courts in different cases have said that various contracts of insurance are not "the plan," that defendant produced certificates of insurance, that defendant has produced multiple versions of the plan document itself, or that defendant must have another "policy" document because it has represented that if such a document exists or existed, defendant does not have it, all fail to carry the day on plaintiff's effort to compel defendant to produce something that defendant has affirmed it cannot produce and does not possess. Plaintiff's request for sanctions is further denied as meritless. Plaintiff has offered no support for her allegations that defendant has intentionally withheld one or more documents that, according to defendant, do not exist or are not in defendant's possession. There is no basis for plaintiff's wild allegations that defendant is "willfully acting in bad faith and in contempt" of court orders. Defendant's opposition to the motion to compel was substantially justified. Discovery, which closed entirely on 6/23/21, therefore remains closed. Kenco having reported that it has no interest in a settlement conference with the magistrate judge (and it takes both parties to express an interest in order for a settlement conference to take place) (doc. #[136]), the magistrate judge hereby terminates the referral. Mailed notice. (jj,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [*www.ilnd.uscourts.gov*](http://www.ilnd.uscourts.gov).